

**COMMISSION CONFERENCE  
JUNE 6, 2000**

**Agenda**

<u>Item</u>		<u>Page</u>
OB	Inspection of Wingate Site Area .....	1
I-A	Board of Adjustment Interviews .....	1 & 13
I-B	Downtown Development Authority .....	8
I-C	Amend Section 47-13 – Change Process for Allocation of Residential Units in the Downtown Regional Activity Center Zoning Districts and Process for Site Plan Approval for Parcels along the New River Within the RAC .....	8
I-D	Proposed Amendment to Section 5-29 – Extended Hours of Operation Permit for Establishments Licensed to Sell Alcohol .....	3
I-E	Proposed Amendments to Broward County Future Land Use Map and Regulations .....	14
I-F	Recertification of Future Land Use Map – South Regional Activity Center (South RAC) Land Use Designation .....	14
I-G	Negotiated Settlement to Challenge Broward County's Revisions to the Text of the Flexibility Provisions of the Broward County Land Use Plan .....	14
I-H	Broward County Technical Coordinating Committee (TCC) Enhancement Fund Applications .....	14
II-A	Lincoln Park Facility .....	17
II-B	City View Development Project .....	15
II-C	Riverland Park General Obligation Bond (GOB) Project .....	16
II-D	Signalized Crosswalk at Northeast 62 <sup>nd</sup> Street and Northeast 22 <sup>nd</sup> Avenue, and Transfer of Jurisdiction for Northeast 62 <sup>nd</sup> Street (Cypress Creek Road) .....	16
II-E	Proposed Speed Humps – Southwest 20 <sup>th</sup> Avenue and Imperial Point Drive .....	17
III-B	Advisory Board Vacancies (See Regular Meeting) .....	18
IV	City Commission Reports (Deferred) .....	18
V	City Manager Reports (Deferred) .....	18

Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore and Smith

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

**OB – Inspection of Wingate Site Area**

The City Commission met at 1:40 P.M. at the Wingate Site for a tour prior to the Conference Meeting. Mr. Greg Kisela, Assistant City Manager, distributed a color-coded map and provided a description of the properties involved. During the tour, Mayor Naugle pointed out trash on City property as well as open and abandoned buildings. He felt these violations should be addressed today.

Commissioner Moore was concerned about spot zoning with respect to unincorporated areas. He hoped staff could attempt to annex these properties and suggested a joint meeting with the County in this regard.

At 2:00 P.M., the meeting was recessed and reconvened in the Conference Room at 2:20 P.M.

Mayor Naugle was very concerned about the violations he had observed during the tour. He said he planned to reinspect the site again first thing in the morning to ensure that those violations had been corrected.

**I-A – Board of Adjustment Interviews**

The City Commission was scheduled to interview Michael Ferber, Don Zimmer, Gus Carbonell, Anthony Abbate, Milton Jones, John Jordan, Charlene Bender, and Binni Sweeney for three regular and one alternate vacancies on the Board of Adjustment, with terms that had expired on May 20, 2000.

*Mr. Michael Ferber* said he was a 29-year resident of the City and earned a living as a small landlord. He reported that he had been serving on the CRA Advisory Board for three years, and he had a solid understanding of the ULDR, the Land Use Plan, and the principles of constitutional law. Mr. Ferber believed he had a “sharp eye” for plans and blueprints, and he had probably traveled down every street in Fort Lauderdale over the years. Therefore, he was familiar with the different neighborhoods, commercial districts, specialty districts, and waterways in the City.

Commissioner Smith believed Mr. Ferber had just completed a term with the Neighborhood Advisory Council for the Homeless Assistance Center.

*Mr. Don Zimmer* said he was a local architect and a native of the City. At present, he was an alternate member of the Broward County Board of Rules and Appeals, and he had served on the Board of Adjustment for eleven years, serving as Chairman for two years. Mr. Zimmer was also familiar with the ULDR, and he would be glad to serve on the Board of Adjustment again.

*Mr. Gus Carbonell* stated that he had been a resident of Fort Lauderdale since 1975, and he was an architect as well. He had served on the Historic Preservation Board for about five years, and he had assisted with the rewriting of the Landscape Code in the 1980s. Mr. Carbonell was very familiar with City regulations and had attended several Board of Adjustment meetings in Fort Lauderdale and in other cities.

Commissioner Smith noted that Mr. Carbonell was one of the City's pioneering professionals in that he had built an office on Northeast 4<sup>th</sup> Avenue. Mr. Carbonell agreed he had made this investment two years ago in an area that needed a boost, and he felt the project had been a catalyst within the neighborhood. He advised that all of his tenants were satisfied, and he looked forward to additional investment in the area in the future.

*Mr. Anthony Abbate* stated that he was currently a member of the Board of Adjustment, and he was an architect and a professor of architecture. He advised that he was a former President of the American Institute of Architects (AIA), and he also served on the State's Construction Industry Advisory Board.

*Mr. Milton Jones* advised that he was a native of Fort Lauderdale, and he had served on the Planning & Zoning Board and the Board of Adjustment. He looked forward to continuing to serve the City.

Mayor Naugle advised that Mr. Jordan had been held up in court.

*Ms. Charlene Bender* said she was currently an alternate member of the Board of Adjustment, and she was a 30-year resident of the City. She stated that she worked at a major bank in the area of financing commercial real estate, so she understood site plans, building plans, zoning, and land use issues. Ms. Bender had been involved in her neighborhood homeowners' association for the past ten years, serving as President and Vice-President, so she understood the principles of neighborhood compatibility. She said she also had good listening skills and felt this was critical in terms of the Board of Adjustment. Ms. Bender stated that she was fully committed and stayed through the Board's meetings even if she had not served on the panel too often as an alternate member.

Commissioner Smith asked Ms. Bender if she felt there was some balance to be achieved between strict interpretation of the Code and common sense. Ms. Bender thought the rules were provided as a guideline, and the Board had to listen to what staff and the applicants had to say. She believed that if a variance was going to be granted, it was essential to fully understand the impact it might have on the City over the long term.

*Ms. Binni Sweeney* said she had lived in Fort Lauderdale for twenty-five years, and she had volunteered over the past fourteen years as a member of the Marine Advisory Board, the Aviation Advisory Board, and the Board of Adjustment as an alternate. She had also been a member of the Board of the Council of Fort Lauderdale Civic Association for nine years, and she had served as President of her local homeowners' association. Ms. Sweeney stated that she had served on the Waterways Master Plan Committee, and she was currently serving on the Selection Committee for services at the City's treatment plant. She had a deep commitment to the City, and she had studied the work of the Board of Adjustment as an alternate member.

Commissioner Smith inquired about Ms. Sweeney's feelings with respect to strict interpretation of the Code v. common sense. Ms. Sweeney felt both were important.

Mayor Naugle explained that interviews for appointments on this Board were considered important because this was the one Board that did not answer to the City Commission, and any of its decisions had to be appealed through the courts. He believed most of the Commissioners knew the applicants and expressed his appreciation for their attendance at this meeting.

**Action:** Interviews continued on Page 13.

**I-D – Proposed Amendment to Section 5-29 – Extended Hours of  
Operation Permit for Establishments Licensed to Sell Alcohol**

A discussion was scheduled on a proposal to amend Section 5-29 of the City's Code of Ordinances to create an Extended Hours of Operation Permit for all establishments licensed to sell alcohol in the City. Notice of the public discussion was published on May 27, 2000. The City Manager noted that written information about the meetings held to date had been distributed to the Commission, along with staff's recommendation.

Mr. Chris Wren, Manager of Community and Comprehensive Planning, stated that three oversight meetings had been conducted, and the goals had been to work as a group on extended hours; and, to develop alternative approaches that would satisfy business owners and offer relief to neighborhoods negatively impacted by irresponsible vendors. He advised that most of the conversations had centered on criteria for beverage establishments, a hearing board, and corrective actions.

Mr. Wren advised that the working group wanted the City Commission to adopt Miami Beach's 21-year old ordinance and to allow 30 more days to work on the issue further. Staff concurred with that recommendation.

Mayor Naugle stated that the City Commission would be deciding today whether or not to go forward with an ordinance that would roll back hours of operation to midnight. In lieu of that, the Commission could allow more time to work on the issue or consider adoption of the Miami Beach ordinance.

*Ms. Sheri Reichert*, of Freddie's Anchor Sports Grill, agreed with the proposal to restrict anyone under 21-years of age from entering night clubs, which she believed would alleviate some of the problems neighborhoods had experienced. She also felt it was a fairer approach, and she supported the idea of spending some more time on the overall issue.

*Mr. Leo Gillespie*, President of the Greater Fort Lauderdale Lodging and Hospitality Association, stated that this had been a good learning experience for everyone, and consensus had been reached on the 21-year age limitation. However, there were additional issues to be addressed.

*Ms. Kitty Ryan*, of O'Hara's Pub, said she had enjoyed working on this committee, and she agreed more time was needed to address all the issues. She endorsed the 21-year age limitation, but she was concerned about neighborhoods and residents who were losing sleep. Ms. Ryan felt convenience stores was an issue that should be addressed in greater depth as well because there were so many located in close proximity to residential areas.

*Mr. Norman Kent* said he had served on the committee on behalf of the Bar and Restaurant Political Action Committee (BAR-PAC). He thought the committee had probably done more than the Commission had asked and had proposed a number of initiatives for exploration. However, working together the committee had discovered they could probably draft ordinances to effectively address the City's alcoholic beverage establishments.

Mr. Kent stated that one resolution had been considered that would require hiring four police officers to work as an alcoholic beverage task force unit, paid for by a tax on the alcoholic beverage establishments. He envisioned setting up a board that administered and paid for itself, much as the Downtown Development Authority had done for additional security. Mr. Kent believed the establishments might be willing to contribute.

Mr. Kent advised there had also been discussion about setting up a hot line for reporting problems at convenience stores. He believed the committee had been working very effectively together, but more time was necessary to fully explore all the issues. Mr. Kent was not sure separating the 21-year age limitation ordinance from the whole package was the best route to take, but that had been the consensus of the committee. Further, the Bar and Restaurant Association had not yet addressed the idea. Mr. Kent did not feel an immediate rush to judgment would be in order now because the committee needed more time to present some constructive suggestions.

*Ms. Debbie Orshefsky*, representing Pete & Lenny's, stated that the committee had examined existing regulations to determine how they could be better utilized, and she had learned the problem was not that which was prohibited but the sanctions that could be imposed for violations. Ms. Orshefsky felt law enforcement needed better tools in order to address the real problems in terms of activities occurring around certain establishments. She noted that State regulations provided a great deal of authority over activities within establishments, but it was the outside activities that needed focus.

*Mr. Larry Mann* said he owned five units behind Roxy's, and he did not have such a "rosy picture" of the committee's work. He stated that much of the time had been spent trying to come up with alternatives to the law proposed originally. Mr. Mann said he and some of his neighbors had met with the Police Chief, the District Commander, the Fire Marshal, and Code Enforcement staff, as well as a representative of the City Attorney's Office. They had come up with several plans, but nothing had happened. He did not see how a task force of several police officers could achieve more than all of these staff members. Mr. Mann favored continuing discussions, but he felt the Commission should go forward with the original proposal at this time.

*Ms. Carol Lampton*, Beverage Law Consultant, said she had several clients throughout the State, and her firm provided responsible vendor training. She explained that various subjects were addressed including prevention of underage sales, intoxicated patrons, etc., but the program was not mandated by the State. She said that many vendors went that extra mile anyway in order to ensure proper training of their staff and to ensure their establishments were not creating havoc in neighborhoods. Ms. Lampton was concerned about changing the entry age for clubs because young people needed somewhere to go to socialize and dance because they would hang out on the streets otherwise, potentially creating more problems.

Ms. Lampton noted that convenience store owners did not participate in responsible vendor training, and many operators could not tell the difference between real and fake identification. Therefore, underage people could purchase alcoholic beverages from that source, as compared to the controlled environment of a nightclub. She thought it would be a mistake to deny the younger people a place to go.

Commissioner Smith asked Ms. Lampton if her firm provided outreach to clubs like Roxy's. Ms. Lampton replied that she had not contacted Roxy's, but there were other companies that provided this type of service.

*Mr. Matthew Sunrise* said he was twenty years old and was a Duke University student majoring in physics. He had come to Fort Lauderdale for the summer, and one of his favorite leisure time activities was to go dancing at the clubs after work. Mr. Sunrise said he did not drink, and most of his friends did not drink either. He felt a 21-year age limitation represented a quick fix and skirted the issues. Mr. Sunrise said the majority of underage drinking he had witnessed involved obtaining alcohol from convenience stores or use of fake identification. He pointed out that a 21-year age limitation would be of no help when people used fake identification, and another factor was considering those under 21 to be children. Mr. Sunrise pointed out 18-year olds were permitted to vote and serve in the military, and he felt they should be treated with the same respect as other adults.

Mayor Naugle asked Mr. Sunrise where he lived. Mr. Sunrise lived in Coral Springs. Mayor Naugle believed most of the younger patrons came from all over South Florida, and he did not feel all of the burden should fall on Fort Lauderdale. He agreed Mr. Sunrise had raised some good points, however, and he thought some exemption could be considered for young people with military identification. Mr. Sunrise said he was not in the military, but he was a working student, and not all young people were troublemakers. Commissioner Smith wondered if there were clubs for those under 21 in other cities. Mr. Sunrise stated that he usually went to clubs in Fort Lauderdale and Hollywood.

Mr. Kent referred to the age limitation proposal. He felt that addressing that now did not allow for due process because the committee had met in private, and this was the first acknowledgement of a public debate. The City Manager pointed out that the committee's meetings had been noticed and public. Mayor Naugle also noted that any ordinance would involve advertisement and two public hearings in any case.

Ms. Ryan noted that sharing drinks was a problem that would be addressed by prohibiting underage patrons. Mayor Naugle understood the serving of drinks was not the only issue with respect to underage patrons. Ms. Ryan agreed that was correct. Commissioner Moore did not see how this ordinance would address that problem. Ms. Ryan said she had stopped admitting anyone under 21 to address the concern. Commissioner Moore pointed out that she had done so without need of an ordinance because responsible operators wanted to address problems as business decisions.

Commissioner Moore inquired about Police Department statistics. The Police Chief stated that approximately 45% of enforcement activity involved individuals less than 21 years of age. These activities occurred near certain locations and had been inside the establishments. He advised that the Police Department was not frustrated with responsible establishments that were self-policing, but the profit motive was intense. He noted that the problems would increase as residences were encouraged in certain areas where there was entertainment activity and vibrancy. From a police standpoint, the greatest problems involved areas surrounding certain establishments. The Police Chief was encouraged, however, by the cooperation of the industry members who had taken the time to work with this committee.

*Mr. John Amodeo*, owner of a restaurant on the beach and Chairman of the Beach Redevelopment Board, supported the 21-year age limitation. He applauded Commissioner Katz for raising this issue, but various things had to be considered in getting to the root of the problem. Mr. Amodeo believed an age limit would help, but there were other issues to be addressed including convenience stores.

Mayor Naugle was comfortable rolling back hours to midnight unless special licenses were issued for later operating hours under certain conditions. He thought it would provide the Police Department with a workable tool.

*Mr. John McKnight* said he had owned a very successful nightclub in another state for years. He reported that his 19-year old son had gone out one night last week at 10 P.M. He had gone to a club in Miami Beach that had offered free drinks until midnight. Apparently, he had been served fifteen free drinks between 11 P.M. and midnight. Although his son was fine, he had hit a telephone pole and totaled his car. Mr. McKnight did not understand the need to induce people with free alcohol.

Mayor Naugle supported the original proposal. Commissioner Katz asked the City Attorney if he felt fines would be appropriate as a first step for violations in order to give establishments opportunities to correct offending behavior, with closing at midnight a final step in the penalty process.

The City Attorney advised staff had conducted some research, and Miami Beach had adopted a schedule of increasing fines. However, he was not comfortable establishing fines that exceeded the State cap for municipalities of \$500 or 60 days in jail. The City Attorney believed that operating after midnight on the basis of a special permit would be defensible and viable based on representations that an establishment would operate in a way that was compatible with surrounding areas.

Commissioner Smith asked the Police Chief how he felt about establishing a task force supported by the industry. The Police Chief thought it was ironic it had been suggested because one of the initial objections from the industry had been the idea of additional fees and taxes. Therefore, he was surprised to hear consideration being given to something that would cost about \$250,000 per year. He noted that a lack of personnel was not really the issue. Rather, it was a lack of enforcement tools. The Police Chief also noted that the authority of the State was really restricted to violations on the premises for the most part, and it could not address the patrons who were out late making noise and causing other problems. While he was happy about the idea of the industry helping to pay for officers, he was not convinced it would help address the issues.

Commissioner Hutchinson thought a task force might be able to address situations in which underage people were given numerous free drinks. The Police Chief said the Police Department would continue to work with the Bureau of Alcohol, Tobacco and Firearms in this regard. Commissioner Moore believed that establishments had a certain responsibility whether their patrons were 19 or 29, whether or not the drinks were free. He felt convenience stores were as much, if not more, of a problem because they were often located near neighborhoods. Commissioner Moore also thought that separating the issue of underage patrons from the rest of the issue would separate the team working to address the problem.

Mayor Naugle thought it would be helpful to adopt an ordinance prohibiting those under 21 from entering nightclubs and rolling back hours to midnight including convenience stores. Commissioner Moore agreed that it would probably be helpful, but he did not want to take action at this time. He preferred to let the committee work for another month as suggested by staff. He was not convinced an age limitation on entering clubs was a good solution because it penalized everyone for the actions of a few, and he felt the discussion should continue.

Mayor Naugle did not mind delaying the underage entry issue, but he wanted to move forward on an ordinance regulating hours to midnight except by special license. He pointed out that occupational licenses would be expiring on October 1, 2000, and he hoped to see something implemented in a timely fashion. Commissioner Moore agreed that was a good point and suggested action be considered on July 6, 2000. It was Mayor Naugle's understanding that license renewals were sent out in August.

Commissioner Smith thought it was necessary to get the attention of those who operated problem clubs and affecting them financially would do the job. He believed \$500 per violation could add up quickly, and he hoped there was some way to link violations around establishments to a financial penalty. Commissioner Smith agreed with Commissioner Moore that these issues should be addressed as a package, although he thought prohibiting underage people would be helpful. He also agreed the committee should be allowed to work on this issue for another month if time allowed.

Commissioner Hutchinson did not think the "nitch" had yet been discovered. She was somewhat uncomfortable with the age limitation because not everyone under 21 years was a bad person, and they needed somewhere to go. She was not comfortable with any ordinance at this point in time, but progress was being made now that the industry was working with residents. Commissioner Katz agreed more work was necessary, but she wanted a meaningful approach to the problem in short order.

**Action:** It was the consensus of the Commission to schedule a Conference report item for July 6, 2000, with first reading of an ordinance scheduled for July 18, 2000.

At 3:26 P.M., Commissioners Smith, Moore and Katz left the meeting. Commissioner Smith returned at 3:27 P.M., and Commissioners Katz and Moore returned at 3:28 P.M.



**I-B – Downtown Development Authority****I-C – Amend Section 47-13 – Change Process for Allocation of Residential Units in the Downtown Regional Activity Center Zoning Districts and Process for Site Plan Approval for Parcels along the New River Within the RAC**

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The City Commission was scheduled to hold a joint meeting with the Downtown Development Authority (DDA) and consider a proposed amendment to Section 47-13 to change the process for allocation of residential units in the Downtown RAC zoning districts, along with the process for site plan approval for parcels along the New River within the RAC. Notice of the public discussion had been published on May 27, 2000.

*Mr. Doug Eagon*, Vice-Chairman of the DDA, appreciated this opportunity to meet with the Commission, and the goal was to encourage quality redevelopment throughout the business district. He provided a framework to encourage dialogue and reach consensus on a vision for downtown Fort Lauderdale. Mr. Eagon pointed out that cities and suburbs, by definition, were different. He explained that a city had higher intensity, mixed uses where far greater choices were available than were available in the suburbs. Mr. Eagon felt these alternatives should be available.

Mr. Eagon pointed out that the City had commissioned the LDR Consulting Group for a City Vision Study, and the Zoning Code had been rewritten two years ago. He felt that effort had been successful because there had not been much resulting litigation, but the DDA was more interested in promoting development in the downtown. Mr. Eagon said the DDA had contracted with EDSA to prepare streetscape design guidelines, and they were specifically examining Southeast 2<sup>nd</sup> and 6<sup>th</sup> Streets at this time because they were the main corridors connecting Federal Highway to 4<sup>th</sup> and 7<sup>th</sup> Avenues.

Mr. Eagon stated that the DDA had also been working in conjunction with the City and EDSA on overall City design guidelines, so there had been a lot of discussion and vision on the part of the community as to what people expected of the central business district. He felt redevelopment had been very successful, and there were communities that would be thrilled to experience half as much success. Mr. Eagon did not want to lose sight of the positive elements, such as the cultural, educational, arts, and entertainment components; and, establishment of the area as a governmental, business, financial and legal centers. He did not believe the surrounding neighborhoods would be as strong as they were if not for the progress made in the downtown area over the past twenty years.

Mr. Eagon believed there were certain weaknesses in the downtown, including the facts that housing was relatively absent; the pedestrian environment needed enhancement; and, mass transit needed support and improvement. He noted that attempts had been made to provide an environment for residential development, but only 240 dwelling units had actually been constructed.

Mayor Naugle thought everyone was familiar with the goals of the DDA and the City, and they were one and the same. He believed the Commission wanted to see housing and a more livable downtown developed, but some of the Commissioners felt they should have input in the size and mass of development.

*Mr. Walter Morgan*, of the DDA, did not feel there should be a general overreaction to the fact that some projects were allowed to be larger than had been envisioned when the ULDR had been rewritten. However, the guidelines contained in the Code had been intended to be objective in nature rather than subjective. He believed staff had applied these objective guidelines, and the result had not been exactly as expected. Mr. Morgan thought developers needed objective guidelines so everyone could work together to invest in the downtown area. He hoped the City would not go to the other extreme of telling developers what they could build after a great deal of planning and expense had been incurred.

*Mr. Bill Scherer*, of the DDA, said he had helped get the State to exempt the downtown area from concurrency requirements that had shut down the area to all development. That had been back when traffic impacts were calculated, and the exemption had been granted. During this effort, Mr. Scherer advised that various studies had been utilized, and it had become clear that Fort Lauderdale was not nearly dense enough to be considered an urban core. He noted that the State had ultimately eliminated the concurrency requirement, but Fort Lauderdale had the ability to let the market determine development based on objective guidelines. However, contrary to urban planning concepts, subjectivity was being injected into the process. Mr. Scherer advised this required someone to buy land, conceive a plan, and prepare plans only to be thwarted in those efforts because the process had been politicized. He did not understand why anyone would want to do this because a project could be denied late in the process if anyone had any objection. Mr. Scherer felt that was wrong.

Mayor Naugle acknowledged that a lot of beautiful development had been added downtown but, at the same time, a lot of property had been taken off the tax rolls to provide cultural and government facilities. Mr. Scherer stated that when the City had wanted the DDA's help, "downtown Broward" had been promoted, and promises had been made that should be kept. He felt that reverting to a "small town" method of operation making every project a political decision was the wrong way to go. In fact, Mr. Scherer believed that would subject the City to liability due to having politicized the process.

Commissioner Hutchinson agreed that affordable housing was needed along with more mass transit, and she felt developers should help contribute to mass transit. She felt Fort Lauderdale should set an example for the rest of the County by finding ways people could live and work downtown and get out of their cars. Commissioner Hutchinson thought joint meetings with the DDA should be held as frequently as CRA meetings, and she wanted to find a method of funding the Transportation Management Association (TMA) and other mass transit components. She hoped to find some way of getting the County to buy into some incentive programs for employees to use remote parking and mass transit. Commissioner Hutchinson believed it would have to be friendly, inviting and secure, and it would be necessary to spend the money with the responsibility spread throughout the community.

Commissioner Hutchinson stated that many of her constituents were concerned about the mass and height of buildings, and they were concerned when parking was not provided for large buildings because there was not a mass transit plan in place. *Mr. Fred Fazio*, DDA, agreed mass transit would be wonderful, but it could only work if there were enough people to use it effectively. He believed mass transit worked in Europe because the people had already been in the cities when it was established. Mr. Fazio felt that when there was a mass of people in the area, it would be successful. Commissioner Hutchinson understood that, but she felt a start had to be made somewhere, and government had to set a good example and provide incentives. Mr. Fazio agreed that would work when there were enough people to support mass transit and when people literally could not find a place to park.

Mayor Naugle agreed government had to set a good example. Incentives could be offered to employees to use remote parking. Mr. Fazio stated that if the employees lived downtown, they would not have to drive to work.

Commissioner Smith thought everyone looked for assurances from elected officials. Developers wanted assurances that if they made investments, they could build. The citizens wanted assurances that all the proper rules would be in place to protect their interests. He favored an American Assembly process like that used in 1994. He pointed out that planning was a fluid process, and the rules had to be flexible to change as necessary. Commissioner Smith believed the citizens wanted the elected body to make the final decisions so it could be held accountable. Mr. Scherer found that a scary idea. He said he had spent twenty years investing in the downtown area, and almost all his property was within the urban core. Mr. Scherer advised he had made those investments based on the rules that existed.

Mayor Naugle did not think anyone was thinking about changing anything that had been on the books for twenty years, but adjusting the ULDR as adopted in 1997. That had been when public scrutiny had been taken out of the development process. Mayor Naugle did not know how much property Mr. Scherer had acquired since 1997, but he felt a workshop was a good idea to discuss resolution of problems.

Commissioner Hutchinson stated that the public's perception was that the City had to accept whatever was presented without any standard allowing denial. She did not want the public to think there was no choice.

Commissioner Katz was sorry to see this subject being discussed in adversarial terms, but the "buck stopped" with the City Commission. She also understood that developers did not want to invest in properties and plans only to be told a project would not be approved. However, she believed there was a way to have a "look see" ahead of time to determine if a property owner was heading in the right direction. Commissioner Katz felt the City needed experts to put together something everyone could live with into the future. She was hopeful the DDA would work with the City, FAU, FIU and others to develop an appropriate process acceptable to everyone. Commissioner Katz also agreed with Commissioner Hutchinson that more joint meetings with the DDA would be helpful.

Commissioner Moore was glad to be meeting with the DDA, and there were some issues he wanted to discuss. He recalled a number of proposals that had been suggested when trying to deal with the issue of traffic downtown, and he felt attention should be paid to those things that could be accomplished easily. Staggering hours in the workplace was one example, and he liked the idea of closing the right lanes of Broward Boulevard for use by mass transit vehicles and carpools during certain hours. He thought people would begin to use mass transit from remote parking areas if they could be sure they would get to their destinations on time. Commissioner Moore also agreed affordable housing was needed, and other communities had experienced success in this respect.

Commissioner Moore had no objection to the charette process, but he did not expect anything different to come of it. Nevertheless, if it helped people take ownership in the process, he had no problem with the idea. Commissioner Smith stated that he wanted the downtown to grow and prosper, and the call up ordinance had not been something intended to halt progress. Commissioner Moore did not think a homeowners association could prevent a project that was in the best interests of the City as a whole.

Commissioner Hutchinson did not care for the call up provision because she did not think it was fair to the developer or the community to wait until so late in the process. She thought the Commission should either review projects or not. Commissioner Smith saw no reason for Commission review of a project if there were no concerns. Commissioner Hutchinson believed that if there were concerns, they should be raised earlier in the process. Commissioner Moore saw nothing wrong with making changes in projects to make them more acceptable to the impacted community. He did not find that disturbing.

Commissioner Smith understood concerns about political considerations, but it was important to do the right thing. He wanted to discuss the allocation of flexibility units because there were not enough units left to allocate. Commissioner Smith was concerned they might all be assigned to one or two projects in one area of the City. He understood the County Commission was trying to restrict the South RAC to fewer residential units than were already there today. He stated that there were 461 units now, and the County wanted to restrict the number to 200. Commissioner Smith felt some help from the DDA with the County Commission would be appropriate.

Commissioner Hutchinson wanted to see more residential construction in the area of Broward General Medical Center. The County only wanted to allow 200 units, but there were already 461 units already in the area. She understood 850 units were desired. Commissioner Smith agreed the idea was to bring Progresso to life, but if all the units were allocated to one area along the River, there would be none left for Progresso.

Mr. Scherer did not think anyone would buy property for development in Progresso or anywhere else if their projects could be denied when they were well into the approval process. Mayor Naugle stated that everyone wanted to see the downtown developed with high density, but the Commission wanted to be able to say 300 units per acre was too dense, for example. He did not want all of the available units utilized in one area, and no one wanted impacts of development to be too great a burden.

Mayor Naugle wanted to see downtown housing and a vibrant downtown, and he was sure the Commission would do the right thing. Mr. Scherer felt the City should put that in writing beforehand so people would know what they could do before they purchased land. He objected to the notion that the Commission wanted developers to spend millions of dollars based on "trust us, we'll do the right thing." He objected to not having objective criteria in the Code so developers could determine what was allowed. Mr. Scherer did not think it was fair to ask developers to trust the Commission, and it appeared the determinations would be made on the basis of outcry from neighborhoods.

Commissioner Moore recalled that the process had been very subjective twelve years ago. An attempt had been made to make the regulations more flexible when the ULDR had been adopted. Unfortunately, the Commission had been "demonized" as a result. He explained that the Commission had to consider the interests of developers and the community, and the only way to do that was to try to adopt guidelines that allowed some flexibility in certain areas. However, if neighbors objected, they had the right to do so. Mr. Scherer stated the problem with that was that projects were stopped only after millions of dollars had been spent on the land and the planning. Commissioner Smith believed there was room in every project for "tweaking."

*Mr. Charlie Palmer*, member of the DDA for twenty years, stated that property owners were afraid of the uncertainty because they did not know who they could sell their land to without a system or mechanism to delineate what could be developed on the property. If the Commission wanted the process to be more subjective, he felt that should occur at the front end. Mr. Palmer stated that waiting until a great deal had been invested before raising objections would not harm developers because they would just go elsewhere. He believed it was the landowners who would be affected.

Mayor Naugle noted that closings on property normally did not take place until the needed government approvals had been obtained. He thought a process that would provide answers in a timely fashion would be helpful. Mr. Palmer said his message was that if there could not be total objectivity, there should be very rapid subjectivity so developers did not waste their monies. He also pointed out that higher density projects generated greater tax revenues, and the higher density areas supported the lower density areas.

Mr. Eagon said he was not an advocate for any particular development, but it was very easy to stifle any interest in development. He felt it was essential to capture economic development opportunities, and downtown housing was extremely important. Mr. Eagon felt Fort Lauderdale was blessed because there were strong neighbors around the downtown area.

Mr. Eagon acknowledged that some streamlining had taken place when the ULDR had been adopted in 1997, but there were much more strict guidelines to encourage higher quality development. He believed many of those copied what had been done downtown for the past ten years, but the whole idea was to encourage quality development by utilizing objective criteria on which investors could rely. Commissioner Moore wondered if he would support an automatic call-up if density of a project increased 10%, or if there were a certain number of alterations. Mr. Eagon said he was talking about very early in the process. He felt investors should be able to read the Code and determine exactly what would be allowed on a particular property. Mr. Eagon did not believe developers would continue to invest if they had to deal with a nebulous Code.

Commissioner Smith noted that a similar discussion was ongoing now with respect to the beach. There had been discussions about absolute rules along with some flexibility so, for example, a developer would know he could build a 20-story building. He would also know that he might be able to build a 30-story building under certain conditions. Commissioner Smith noted an alternative was to have absolute rules without any flexibility. Mr. Eagon felt flexibility was a good thing, but a reasonable starting point was essential. Commissioner Moore believed that was what the Commission was trying to do.

Mayor Naugle hoped the DDA could suggest some modifications for first reading of the RAC-CC ordinance in order to be more reasonable and shorten the time frames. Commissioner Moore felt that unlimited building height should be allowed in RAC-CC. Mayor Naugle felt 25 units per acre in the City center was too low, and he noted that the Planning & Zoning Board had deferred this item for 60 days. There might also be other provisions in the ordinance that did not make sense.

Mayor Naugle wondered if everyone was happy with the new parking garage built recently on Andrews Avenue. Commissioner Moore felt the municipal parking lot with all the vines and plants looked beautiful. Yet, many thought it was too difficult to water the plants. Mayor Naugle felt the quality of development in the downtown had suffered due to lack of input from the Planning & Zoning Board.

*Mr. Don McClosky* said he had lived in Fort Lauderdale for forty years, and the problem was the cost and time involved to bring a project to the City Commission. He felt the Code should specifically dictate what could and could not be done, so developers knew what guidelines and criteria the Commission would be using in review. Mr. McClosky stated that the uncertainty of the process was a threat to quality development. He felt the Code should contain flexibility in case a developer wanted to exceed the establish criteria under certain circumstances, but there had to be a starting point with some certainty.

Mayor Naugle hoped the Planning & Zoning Board could move more quickly on this ordinance rather than waiting another 60 days. Commissioner Smith still liked the idea of a community-wide discussion about the downtown so all the citizens could be assured everyone was on the right track. He believed everything would go much more smoothly if everyone bought into the vision and were stakeholders.

Mr. McClosky noted that affordable housing and mass transit had been mentioned. He stated that burdens should not be put on developers to fund mass transit because if there were units downtown, mass transit would not be needed. Further, the more burdens placed on developers, the greater the price of the housing units. He felt it was up to the City Commission to use the increased tax revenues generated by such developments to deal with that sort of need. Commissioner Moore felt that developers who wanted to build more units per acre than were allowed should donate to address the additional impact.

Commissioner Smith asked Mr. Eagon's opinion about a charette process regarding the downtown. Mr. Eagon's feelings were mixed. He did not object, but every time there had been a charette, the community had indicated it wanted to develop high-density, mixed uses. They also wanted to know how people would get around. He believed the desires were already known, but it was necessary to identify the difference between perceptions and reality. For example, people complained about a lot of traffic and a lack of parking, but there was not a lot of traffic, and there was parking available.

Commissioner Hutchinson suggested a roundtable discussion as opposed to studies and a charette. Mayor Naugle thought it would be a good idea for the District Commissioner to host a roundtable discussion. Commissioner Hutchinson thought it would be helpful to also have a tour of the New River Village. The City Manager said he would arrange it.

Ms. Cecelia Hollar, Construction Services Director, noted that the Planning & Zoning Board had deferred the ordinance to a time certain, so it could not really be expedited.

**Action:** As discussed.

### **I-A – Board of Adjustment Interviews (Continued from Page 3)**

*Mr. John Jordan* advised he was the current Chairman of the Board of Adjustment. He enjoyed this volunteer work and would be pleased to serve again. Commissioner Smith inquired as to his feeling about whether or not the Board should use a strict interpretation of the Code or use common sense. Mr. Jordan noted this was a quasi-judicial Board, so the Board had to follow the criteria contained in the Code. Therefore, if someone sought a variance, he had to show a hardship based on the criteria, although there were certain instances in which common sense had to play a role. Mr. Jordan felt each case had to be judged on its own merits.

**Action:** Additional action to be taken under Item III-B.

**I-E – Proposed Amendments to Broward County Future Land Use Map and Regulations**

A discussed was scheduled on proposed amendments to the Broward County future Land Use Map and its impact on the City. A written recommendation had been provided, and there were no objections.

**Action:** Approved.

**I-F – Recertification of Future Land Use Map – South Regional Activity Center (South RAC) Land Use Designation**

A discussion was scheduled on a compromise presented by Broward County on the adopted land use designation for the South Regional Activity Center (South RAC) on the City's Future Land Use Map. Mr. Chris Wren, Office of Community and Comprehensive Planning, stated that staff wanted to meet with Commissioner Rodstrom and Commissioner Hutchinson. He believed there would be a report available to substantiate the City's position to avoid having to wait a year to raise the number of dwelling units. Mayor Naugle said he would contact Commissioner Rodstrom.

**Action:** As discussed.

**I-G – Negotiated Settlement to Challenge Broward County's Revisions to the Text of the Flexibility Provisions of the Broward County Land Use Plan**

A discussion was scheduled on a negotiated settlement to the challenge to Broward County's revisions to the text of the Flexibility Provisions of the Broward County Land Use Plan. A written recommendation had been provided, and the City Manager advised he would write a letter in this regard.

Commissioner Katz understood the idea was that Fort Lauderdale should be able to control its own flex zones. Commissioner Smith noted that Mayor Naugle served on the Metropolitan Planning Council. He felt the Progresso and Flagler Heights areas should be exempt from the 25 units per acre provision. Mayor Naugle did not object except with respect to the single-family Dorsey Riverbend neighborhood. Mr. Wren noted that the areas over which control was desired were the commercial and industrial areas west of the Intracoastal Waterway.

**Action:** Approved.

**I-H – Broward County Technical Coordinating Committee (TCC) Enhancement Fund Applications**

A discussion was scheduled on the Broward County TCC's recommended priority list for Enhancement Fund projects and the City Commission's priorities. Commissioner Hutchinson felt State Road 84 should be included. Commissioner Smith felt the problem was that the TCC was setting the priorities even though this Commission had set its own priorities. He pointed out that a concept for 15<sup>th</sup> Avenue had been developed over ten years ago. Commissioner Hutchinson understood that the priorities had been based on the quality of the applications. Commissioner Moore agreed a point system had been utilized.

Mr. Peter Partington, Engineering Design Manager, explained that the City would have to provide funds for curbing and gutters on Northeast 15<sup>th</sup> and 18<sup>th</sup> Avenues because these funds could not be used for this purpose.

Mayor Naugle thought the Commission should be grateful that the County had put two of Fort Lauderdale's projects high on the priority list. In the meantime, he felt staff should pursue other funding sources for the other projects.

Commissioner Hutchinson felt the applications for the funding should have been better prepared. The City Manager did not believe the quality of the applications had been the issue. The problem was that there were more projects than money. He advised that \$17 million worth of projects were needed, but there was only \$3 million available. Commissioner Katz's concern was that the County should have considered the City's priorities.

Commissioner Moore thought the County had taken the City's priorities and placed them on a list with the rest of the projects and then weighed those priorities against their criteria for spending the money. Commissioner Smith wanted some assurances that constituents who had asked for reasonable things would get them some day.

Commissioner Moore was concerned about the timeline involving funding in 2004 or 2005. He wondered how these projects could be addressed more quickly. Mr. Partington explained the application cycle. He did not think there was anything the City could do to expedite the funding.

Commissioner Hutchinson desired a list of the individuals who had served on the TCC. She had been told that the applications had been considered and, if 15<sup>th</sup> and 18<sup>th</sup> Avenues had been submitted for consideration before, she thought staff should go back and reexamine the application for deficiencies. Commissioner Smith thought politics might have also played a role. He felt that if a project made the list, it should be moved up the list as time passed. However, that was not how this was handled.

Commissioner Moore supported Mayor Naugle's idea to take advantage of this funding and to seek some innovative funding methods to address some of the other projects. Commissioner Katz wanted some assurance from staff that they would search for funding because 15<sup>th</sup> and 18<sup>th</sup> Avenues had to be addressed. Commissioner Moore suggested staff also reexamine the application to see if it could be "spruced up." He thought the community involvement aspect could be enhanced based on the criteria so the City could "play the game" better.

Commissioner Smith agreed the City Manager should include 15<sup>th</sup> and 18<sup>th</sup> Avenues in the capital improvements budget within the next few years. Mayor Naugle thought there might be some developments proposed for the area that could contribute. The City Manager understood the Commission wanted something in the next two or three budget cycles. Commissioner Smith preferred something in the next one or two cycles.

**Action:** As discussed.

## **II-B – City View Development Project**

A progress report was presented on the status of the City View Development. Commissioner Moore believed a great deal of progress had been made. In fact, he had been on the site this morning and observed activity. He acknowledged that the process had been frustrating, but there had been movement on the parts of the City and the developer.



Commissioner Smith asked if a financial appropriation had been made for legal fees. He suggested a walk-on item this evening to appropriate \$15,000 from General Fund Contingencies.

Mr. John Smith, Building Official, advised that there were still some electrical problems in three of the units. A soggy floor was being torn up and supports added. Ms. Cecelia Hollar, Construction Services Director, reported that the fence would be replaced with the required fencing. In addition, the Landscape Inspector had been working with the developer, and about half of the landscaping issues had already been resolved.

*Mr. Mark Grant*, Attorney representing the developer, said he had been working with the City, and substantial progress had been made. He stated that the punch list items were being addressed, and his client had agreed to binding mediation regarding deterioration of the roadway and the breaking of the sewer line. However, consent of the insurance company had to be obtained first. At this point, the contractor had only agreed to non-binding mediation, but he was still having discussions in this regard. Mr. Grant was hopeful the City would pay for the mediator. Commissioner Moore felt each of the three parties should pay a third of that cost.

The Vice-President of the City View Association expressed his appreciation to the City Commission for its support and assistance.

**Action:** Approved as discussed.

**II-D – Signalized Crosswalk at Northeast 62<sup>nd</sup> Street and Northeast 22<sup>nd</sup> Avenue, and Transfer of Jurisdiction for Northeast 62<sup>nd</sup> Street (Cypress Creek Road)**

A report was presented on a proposed signalized crosswalk for Northeast 62<sup>nd</sup> Street and Northeast 22<sup>nd</sup> Avenue, and transfer of jurisdiction for Northeast 62<sup>nd</sup> Street (Cypress Creek Road), between Northeast 18<sup>th</sup> Avenue and Federal Highway (U.S. 1).

**Action:** Approved.

**II-C – Riverland Park General Obligation Bond (GOB) Project**

A report was presented on the Riverland Park GOB project. Commissioner Moore understood there had been a tie vote on the two preferred plans. Therefore, he recommended approval of the staff's recommendation for the future community center to be located on Riverland Road.

*Mr. Butch Niederrieter* described the neighborhoods that had voted on the plans. He stated that the people who lived in the area preferred moving the community center off Riverland Road because they did not want a street closure. Mr. Pete Sheridan, Engineering Division, stated that consideration had been given to that idea, but it had been decided it would be best not to vacate the road.

**Action:** Staff's recommendation approved.

**II-E – Proposed Speed Humps – Southwest 20<sup>th</sup> Avenue and Imperial Point Drive**

A report was presented on a proposal to install speed humps on Southwest 20<sup>th</sup> Avenue in Riverside Park and on Imperial Point Drive in Imperial Point. Mr. Peter Partington, Engineering Design Manager, advised that the recommendation regarding Southwest 20<sup>th</sup> Avenue should have referred to Southwest 2<sup>nd</sup> and 9<sup>th</sup> Streets rather than Southwest 4<sup>th</sup> and 9<sup>th</sup> Streets.

**Action:** Approved as clarified.

**II-A – Lincoln Park Facility**

A report was presented on the proposed use for City facilities at the Lincoln Park site. Mayor Naugle thought the cost estimate of \$100 per square foot was rather bizarre.

*Mr. Sean Jones*, Vice-President of Milton Jones Development Corporation, stated that his company was interested in developing the property. He believed this site was vital to the Community Redevelopment Area (CRA) and the continued development of the area. Mr. Jones also wanted to see the site put back on the tax rolls, and he noted that there were also environmental concerns to consider.

Commissioner Moore welcomed development, but he still wanted to locate City offices at the site in the meantime because timing was important, and he thought there were benefits to a short-term use. He also wanted to upgrade the recreational facility because it was in a poor condition. Mr. Greg Kisela, Assistant City Manager, advised that upgrades were planned.

Commissioner Moore felt staff had omitted information about the cost of space now being used, and he felt that cost should be part of the equation. The City Manager reported that the City owned some of the space currently being used. Mr. Kisela stated that the amount of rent that would be avoided would be about \$150,000 per year. The City Manager noted that the amount of \$50 to \$100 per square foot was only an estimate, and the market would dictate the actual cost.

Commissioner Katz asked Mr. Kisela to address the environmental issue raised by Mr. Jones. She was also interested in examining any private proposals that would put the site back on the tax rolls before spending \$1 million to do improvements. Commissioner Smith agreed with Commissioner Katz. Mayor Naugle believed this could be delayed for a couple of weeks, although competitive proposals would have to be sought for any development. Commissioner Katz wanted to at least consider the pros and cons of private development. Mr. Kisela was aware of environmental issues at the trash transfer site, but he was not aware of any concerns on the Lincoln Park site itself.

Commissioner Moore was not sure housing would be the best use of this property, even if a developer were prepared to go forward now. He believed there were many issues to be overcome, but he agreed any development that would put the property back on the tax rolls should be examined. He felt there would be significant value in putting this site to use today even as future uses were examined.

Mayor Naugle inquired about staff's recommendation. The City Manager recommended that staff be authorized to proceed to finalize plans for a 30% design. Mayor Naugle believed there was consensus to proceed.

Commissioner Hutchinson said she had taken the tour of the facility. There had been some discussions about fire training, but she understood a lot more changes to the facility would be necessary. Mr. Alan Gavazzi, City Architect, agreed the program would require additional space outside for training exercises. Ms. Rhoda Kerr, Deputy Fire Chief, stated that the space would also have to be paved for the rigs, classroom space inside, and parking for the rigs. Commissioner Hutchinson was wondering if the Fire Department should be included.

The City Manager stated that modifications would have to be made for any of the City functions. He felt it was important to have some uniformed Fire and Police presence, and he thought the workforce should be representative.

Commissioner Smith asked if it would be possible to take a parallel track to determine what would be necessary to house City employees at this facility and to explore private development. Commissioner Moore agreed that was exactly what he wanted.

**Action:** As discussed.

### **III-B – Advisory Board Vacancies**

See Regular Meeting minutes, this date.

### **IV – City Commission Reports**

**Action:** Deferred.

### **V – City Manager Reports**

**Action:** Deferred.

Meeting adjourned at 5:45 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.